

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENNY HILL,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 05-160E
)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
	)	(Electronic Filing)
Defendants.)	

MICHAEL HILL,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 03-323E
)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
	)	(Electronic Filing)
Defendants.)	

LESLIE KELLY,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 03-368E
)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
	)	(Electronic Filing)
Defendants.)	

KEVIN SIGGERS,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 03-355E
)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
	)	(Electronic Filing)
Defendants.)	

MYRON WARD,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 04-11E
)	
v.	)	JUDGE McLAUGHLIN
	)	MAGISTRATE JUDGE BAXTER
JOHN LAMANNA, et al.,)	
	)	(Electronic Filing)
Defendants.)	

**DEFENDANTS' MOTION FOR AN ORDER OF COURT
DIRECTING THE UNITED STATES MARSHAL TO MAKE TRAVEL
ARRANGEMENTS FOR PLAINTIFFS' INDEPENDENT MEDICAL EXAMINATIONS**

AND NOW, come Defendants, John LaManna, Deborah Forsyth, Marty Sapko, Stephen Housler, William K. Collins, Beth Fantaskey, Robert Klark, and Robert Reome, by and through their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and Michael C. Colville, Assistant U.S. Attorney for said district and file their Motion for an Order of Court Directing the United States Marshal to Make Travel Arrangements for Plaintiffs' Independent Medical Examination, as follows:

1. In this case, Plaintiffs' have filed Bivens claims against each of the above named Defendants wherein they have alleged that they have suffered a serious bodily injury as a result of being exposed to a hazardous work environment at FCI McKean.
2. In order to provide an adequate defense to said allegations, the above named Defendants need to have each of the Plaintiffs undergo an independent medical examination (hereinafter "IME").

3. In this regard, Defendants have retained Dr. Gregory J. Fino, a board certified pulmonologist, to examine the Plaintiffs in order to provide expert testimony concerning their claims.

4. Dr. Fino has informed counsel for Defendants that he can perform the independent medical examinations at his office in St. Clair Hospital on the following dates: December 21, 2006, January 2nd, 3rd, 4th, 8th, 16th, 17th, 18th, and 22nd, 2007.

5. During his examination Dr. Fino will take a medical history, various chest x-rays and will conduct multiple lung function studies such as: Spirometry. Lung Volumes, DLCO and Room Air Oxygen Saturation Tests, among others.

6. Presently, Plaintiff Kevin Siggers is incarcerated at FCI, McKean, in McKean, Pennsylvania, Plaintiff Leslie Kelly is incarcerated at FCI Bennettsville in Bennettsville, South Carolina, Plaintiff Michael Hill is incarcerated at FCI Gilmer, in Glenville, West Virginia, and Plaintiffs Kenny Hill and Myron Ward are incarcerated at FCI Petersburg Low in Hopewell, Virginia.

7. The aforementioned Federal Correctional Institutions do not have medical facilities which are sufficient to conduct the necessary independent medical examinations.

8. Accordingly, Defendants respectfully request that this Court issue the appropriate writs and an Order directing the United States Marshal to coordinate travel arrangements with the Bureau of Prisons and undersigned counsel, an Assistant U.S. Attorney for the Western District of Pennsylvania, in order for each of the Plaintiffs in the above captioned matter to be transported to St. Clair Hospital in order that they undergo an independent medical examination, by Dr. Gregory Fino.

In this regard, Defendants request that the Court direct the United States Marshal to coordinate travel arrangements in order for each of the Plaintiffs to be available for their IMEs at St. Clair Hospital, 1000 Bower Hill Road, Suite 211, Pittsburgh, PA 15243-1899, as follows:

1. Plaintiff Kevin Siggers, December 21, 2006 @ 9:00 a.m.;
2. Plaintiff Kenny Hill, January 2, 2007 @ 10:00 a.m.;
3. Plaintiff Myron Ward, January 3, 2007 @ 10:00 a.m.;
4. Plaintiff, Leslie Kelly, January 8, 2007 @ 10:00 a.m.; and,
5. Plaintiff Michael Hill, January 16, 2007 @ 10:00 a.m.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

/s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney
Western District of PA
U.S. Post Office & Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412) 894-7337
PA ID NO. 56668

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2006, a true copy of the within DEFENDANTS' MOTION FOR AN ORDER OF COURT DIRECTING THE UNITED STATES MARSHAL TO MAKE TRAVEL ARRANGEMENTS FOR PLAINTIFFS' INDEPENDENT MEDICAL EXAMINATIONS was served by either electronic means and/or first-class mail to the following:

Richard A. Lanzillo, Esquire
Knox McLaughlin Gornall & Sennett, P.C.
120 West Tenth Street
Erie, PA 16501-1461

/s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney